

**LEGISLATIVE SERVICES AGENCY  
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

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**FISCAL IMPACT STATEMENT**

**LS 6116**

**BILL NUMBER:** HB 1016

**NOTE PREPARED:** Oct 13, 2010

**BILL AMENDED:**

**SUBJECT:** Juvenile Alcohol Offenses.

**FIRST AUTHOR:** Rep. Burton

**FIRST SPONSOR:**

**BILL STATUS:** As Introduced

**FUNDS AFFECTED:** ☒ **GENERAL**  
☒ **DEDICATED**  
☐ **FEDERAL**

**IMPACT:** State & Local

**Summary of Legislation:** This bill has the following provisions:

- A. It repeals a provision providing that a child commits a delinquent act if the child violates the law concerning minors and alcoholic beverages.
- B. It permits a juvenile court to make a juvenile a ward of the Department of Correction if the court determines that the juvenile has violated the law concerning minors and alcoholic beverages.
- C. It makes a violation of the alcoholic beverage law by a child either an infraction or a misdemeanor depending on the offense committed.
- D. It makes a conforming change.

**Effective Date:** July 1, 2011.

**Explanation of State Expenditures:** This bill could increase the number of juveniles who could be committed to Department of Correction (DOC) juvenile facilities. The number of juveniles who could be committed is not able to be estimated and would depend on the discretion of the local judge. The average annual cost of incarcerating a juvenile as a delinquent in a DOC facility was \$68,260 in FY 2010.

**Background** – IC 7.1-5-7 contains both infractions and misdemeanors that affect minors (persons under 18 years of age). Under current law, alcohol violations involving either infractions or misdemeanors are delinquent acts. As proposed, alcohol violations could be charged as either a juvenile delinquency or a misdemeanor.

There would be two additional Class C infractions and three Class C misdemeanors that a minor currently

charged as a delinquent could now be charged with as an adult at the discretion of the prosecuting attorney and the judge.

<b>Penalty</b>	<b>For a Minor To:</b>	<b>Added Fines</b>	<b>Possible Incarceration</b>
Class C Infraction	Possess false or fraudulent evidence of being older than 21 years of age to purchase, consume, or transport alcohol.	\$500 judgement, deposited in state General Fund; potential reduction in court fees since fees in juvenile cases are \$120, while court fees for infractions are \$70.	None
Class C Infraction	Misrepresent the juvenile's age on the statement.	\$500 judgement, deposited in state General Fund; potential reduction in court fees since fees in juvenile cases are \$120, while court fees for infractions are \$70.	None
Class C Misdemeanor	Falsely state or provide false evidence that the minor is 21 years of age to order, purchase, or attempt to purchase or procure an alcoholic beverage.	\$500 criminal fine deposited in state Common School Fund; no change in court fees, both are \$120.	60 days in jail if sentenced as adult, paid by county, or time in DOC juvenile facility paid by state.
Class C Misdemeanor	Knowingly: (1) possess an alcoholic beverage, (2) consume the beverage, or (3) transport it on a public highway when not accompanied by at least one parent or guardian.	\$500 criminal fine deposited in state Common School Fund; no change in court fees, both are \$120.	60 days in jail if sentenced as adult, paid by county, or time in DOC juvenile facility paid by state.
Class C Misdemeanor	Recklessly be in a tavern, bar, or other public place where alcoholic beverages are sold, bartered, exchanged, given away, provided, or furnished.	\$500 criminal fine deposited in state Common School Fund; no change in court fees, both are \$120.	60 days in jail if sentenced as adult, paid by county, or time in DOC juvenile facility paid by state.

**Explanation of State Revenues:** See *Explanation of State Expenditures*.

**Explanation of Local Expenditures:** See *Explanation of State Expenditures*.

**Explanation of Local Revenues:** Some cases currently heard in juvenile courts would be filed in adult court. LSA cannot determine the effect from any shift in case filings between courts.

**State Agencies Affected:** DOC.

**Local Agencies Affected:** Trial courts, prosecuting attorneys, local law enforcement agencies.

**Information Sources:** DOC.

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